

Application No. 09/925,177
Page 13 of 14

REMARKS

Claims 1-50 are pending in the present application.

By this amendment, (i) claims 21-50 have been canceled, (ii) claims 1, 3, 11 and 13 have been amended, and (iii) new claims 51-78 have been added. Claims 1-20 and 51-78 remain pending in the present application of which claims 1, 11, 55 and 67 are independent.

Claims 1-4, 10-14, 20-24, 30-34, 40-44 and 50 stand rejected under 35 U.S.C. § 102(b) as being anticipated by USPN 5,812,545 (Liebowitz), and claims 5, 8, 9, 15, 18, 19, 25, 28, 29, 35, 38, 39, 45, 48 and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liebowitz in view of USPN 6,842,437 (Heath).

In response to the above rejections, Applicants have amended the independent claims 1 and 11 to include the limitation whereby the packets are classified into the transport services based upon the application and at least one classification rule associated with the application. Further, the independent claims 1 and 11 have been amended to include the limitation whereby in the mapping of the transport service to the packet delivery service, the packet is stored in a queue that is mapped to the one packet delivery service, and is assigned a service weight, and the packet is scheduled for transmission based on the mapping of the queue to the one packet delivery service and the service weight. The new independent claims also include the foregoing limitations.

Applicants submit that Liebowitz fails to disclose or suggest the classification of the packets based on the application and based on at least one classification rule. Further, the Liebowitz patent fails to disclose or suggest the assignment of a weight to the queues or the scheduling of transmission based in part on the assigned service weight. The Liebowitz patent merely discloses that each user access device interfaces with a particular port, and the queueing of a packet is based on the port through which it is received (and thus based on the particular user access device). The packets from a particular user access device, therefore, are transmitted using only the transmission method associated with that user access device (based on the port to which it interfaces). The Liebowitz invention, therefore is extremely limited in flexibility.

Application No. 09/925,177

Page 14 of 14

Moreover, the new independent claims 55 and 67 further emphasize this distinction in that each recites the receipt of packets associated with multiple applications from a single user access device (or host) through a single interface. Each packet is then classified based on the originating application and the classification rules associated with that application. The packet is then mapped to a packet delivery service and assigned a service weight, and the packet is scheduled for transmission based on the mapping of the queue to the one packet delivery service and the service weight. As presented above, Liebowitz clearly fails to anticipate these limitations.

With regard to the dependent claims, the combination of Liebowitz and Heath fails to render the claims unpatentable for the same reasons that Liebowitz fails to anticipate the associated independent claims.

Applicants, therefore, respectfully submit that all pending claims are in condition for allowance and notice to this effect is respectfully requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If, however, the Examiner believes that there are any unresolved issues requiring adverse action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Craig Plastrik, at 301-601-7252, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully Submitted,



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